

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.: 046585/0138

In re patent application of

Jed FAHEY et al.

Prior App. Serial No. 09/425,890

Group Art Unit: **Not Yet Assigned**

Prior Filing Date: October 25, 1999

Examiner: **Not Yet Assigned**

For: **CANCER CHEMOPROTECTIVE FOOD PRODUCTS**

PRELIMINARY AMENDMENT

Commissioner of Patents
Washington, D.C. 20231

Sir:

Prior to examination on the merits, Applicants respectfully request that the above-identified application be amended as follows:

After the Application Title and before the first line of application text, insert the following paragraph:

--This application is a divisional of Application Serial No. 09/425,890, filed November 25, 1999, which in turn is a divisional of Application Serial No. 09/118,867, filed July 20, 1998, which in turn is a divisional of Application Serial No. 08/840,234, filed April 11, 1997.--.

IN THE CLAIMS

Please cancel claims 1-47 without prejudice or disclaimer. Please add the following new claims.

48. (New) A method of extracting glucosinolates and isothiocyanates from plant tissue comprising homogenizing said plant tissue in an excess of a mixture of dimethyl sulfoxide, acetonitrile and dimethylformamide at a temperature sufficient to inactivate myrosinase enzyme activity.

49. (New) The method of claim 48, wherein the ratio of dimethyl sulfoxide:acetonitrile:dimethylformamide is 1:1:1.

50. (New) The method of claim 48, wherein said temperature is between 0°C and the freezing temperature of the extraction mixture.

51. (New) The method of claim 48, wherein said temperature is between -50°C and the freezing temperature of the extraction mixture.

52. (New) The method of claim 48, wherein said plant tissue is rich in glucosinolates.

53. (New) The method of claim 52, wherein said plant tissue is selected from the group consisting of cruciferous sprouts measured after 3 days of growth, cruciferous seeds, plants or plant parts.

54. (New) The method of claim 53, wherein said sprouts, seeds, plants or plant parts have at least 200,000 units per gram fresh weight of Phase 2 enzyme-inducing potential.

55. (New) The method of claim 53, wherein said sprouts, seeds, plants or plant parts have at least 300,000 units per gram fresh weight of Phase 2 enzyme-inducing potential.

56. (New) The method of claim 53, wherein said sprouts, seeds, plants or plant parts have at least 400,000 units per gram fresh weight of Phase 2 enzyme-inducing potential.

57. (New) The method of claim 53, wherein said sprouts, seeds, plants or plant parts have at least 500,000 units per gram fresh weight of Phase 2 enzyme-inducing potential.

58. (New) A method of extracting glucosinolates and isothiocyanates from plant tissue rich in glucosinolates, with the exception of cabbage, cress, mustard and radish sprouts, comprising homogenizing said plant tissue in a non-toxic solvent at a temperature sufficient to inactivate myrosinase enzyme activity.

59. (New) The method according to claim 58, wherein said solvent is water.
60. (New) The method of claim 59, wherein said water is 100°C.
61. (New) The method according to claim 58, wherein said solvent is liquid carbon dioxide.
62. (New) The method according to claim 58, wherein said solvent is ethanol.
63. (New) The method of claim 58, wherein said plant tissue is selected from the group consisting of cruciferous sprouts measured after 3 days of growth, cruciferous seeds, plants and plant parts.
64. (New) The method of claim 63, wherein said sprouts, seeds, plants or plant parts have at least 200,000 units per gram fresh weight of Phase 2 enzyme-inducing potential.
65. (New) The method of claim 63, wherein said sprouts, seeds, plants or plant parts have at least 300,000 units per gram fresh weight of Phase 2 enzyme-inducing potential.
66. (New) The method of claim 63, wherein said sprouts, seeds, plants or plant parts have at least 400,000 units per gram fresh weight of Phase 2 enzyme-inducing potential.
67. (New) The method of claim 63, wherein said sprouts, seeds, plants or plant parts have at least 500,000 units per gram fresh weight of Phase 2 enzyme-inducing potential.

REMARKS

Applicants have canceled claims 1-47 without prejudice or disclaimer to the subject matter recited therein, and all rights to such subject matter are expressly reserved for filing in a continuation and/or divisional application. Applicants have added claims 48-67 in order to further define claim scope. No new matter has been added.

Favorable action is respectfully requested. Should there be any questions regarding the application, the Examiner is invited to contact the undersigned representative at the local telephone number below.

Respectfully submitted,



Richard C. Peet
Attorney for Applicant
Registration No. 35,792

Date: April 5, 2001

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
Telephone: (202) 672-5464
Facsimile: (202) 672-5399